

**EASTPORT CITY COUNCIL
SPECIAL CITY COUNCIL MEETING**

**WEDNESDAY, AUGUST 24th, 2016
SHEAD HIGH SCHOOL - LIBRARY - 5:30 P.M.**

**PUBLIC HEARING
(SUBMISSION of PROPOSAL/PLAN to INLAND FISHERIES & WILDLIFE
for a SPECIAL HUNT of ANTERLESS DEER)**

City Officials Present: Councilor Rocky Archer, Councilor Scott Emery, Councilor Jan Finley, Councilor Mary Repole, and Council President, Gilbert Murphy. Also present were the City Manager, Elaine Abbott, and the City Clerk, Ella Kowal.

Public Attendance: Eleanor Norton, Robert Bean, Marie Holmes, Donna Thayer, Gregory Lingley, Bernie Lingley-Neimann, David Chapais, Patrick Mehr, Lora Whelan, Rebecca Greenburg, Dana Turner, Dale Maddocks, Chris Bartlett, Connie Knight, Mary Jane Klaila, Cecil Cates, Jon McNerney, Jim Willey, Lane Willey, Aurea Stoll, Lois Grossman, Paul Cox, Chris Cox, Joe Smith, and Maine's State Biologist – Tom Schafer.

I. CALL to ORDER

The Council President, Gilbert Murphy, called the meeting to order at 5:30 p.m.

He reminds everyone to be sure and sign the attendance sheet. He further comments to explain the purpose of the public hearing and informs the audience that everyone will have an opportunity to speak and that comments are to be brief and must stay on topic. He also emphasizes the importance to respect each others opinion.

**II. PUBLIC HEARING for SUBMISSION of PROPOSAL/PLAN to
*INLAND FISHERIES and WILDLIFE for a SPECIAL HUNT of
ANTERLESS DEER***

Council President opens the floor for the public hearing on “*Submission of Proposal/ Plan to Inland Fisheries & Wildlife for a Special Hunt of Anterless Deer* at 5:31 p.m.

Chris Bartlett, Chair of the Deer Committee, addresses the Council and the public and begins first by thanking them for coming out tonight. He also thanks the Deer Committee members and the public for their participation through this process.

He further comments to say he and other deer committee members as well as Tom Schafer, the Maine State Biologist is here to address any questions or concerns with the proposal they are proposing to Inland Fisheries and Wildlife.

He continues to say that they started meeting in March and met regularly anywhere from 2-3 times a month to prepare and create the document being presented and considered. In order for the City to have a proposed hunt for this year, it needs to go before Council and then to the IF&W Advisory Council and the rule making process at the State level which takes 90 days. He further notes that the State takes November off. Thus, this was the importance of getting the proposal before the City Council prior to IF&W's September meeting. He reminds that Deer Committee members Bob Bean, Dale Maddocks, Dana Turner, and Scott Emery along with the Maine State Biologist, Tom Schafer are here to also answer any questions.

Council President, Gilbert Murphy, asks Mr. Schafer if he had anything to add and he said that he will answer any questions with regard to the plan.

Patrick Mehr from the audience addresses Tom Schafer and comments to say that he owns property in Quoddy Village he raises and grows vegetables and sells them commercially to the local markets and private parties. He grows and sells commercially and it is part of his livelihood as a taxpayer in Eastport. He is acutely aware of the problem with deer in terms of the gardens as well as landscaping. He questions Mr. Schafer about data with regard to the carrying capacity and do we need to wait until this is reached before we can move forward. **Tom Schafer** responds to say that there are two different carrying capacities. When they deal with populations on a State wide level or in a wildlife management district, they are dealing with biological carrying capacity which is the ability of the land to support a given deer population. Generally, they try to keep that population a certain percentage below the maximum carrying capacity the land can support which allows for maximum reproduction, the deer are healthier and the habitat does not suffer. They also recognize social carrying capacity which tests the public's ability to tolerate a deer population independent of the biological carrying capacity. They currently do not have any information that the deer are stressed, but based on what they have seen; they do not feel the deer have reached their biological capacity. However, based on the straw poll that was held last year in November and the general consensus; we have exceeded the social carrying capacity. There are various measurements that go into judging the biological carrying capacity. He further continues to say that there is no independent assessment of agriculture

Cecil Cates from the audience asks if the biology includes the food that is eaten by the deer from people's gardens when calculating the carrying capacity. **Tom Schafer** responds to say that any input that they get from biological carrying capacity goes from the deer's condition. They sample deer and take biological measurements and parameters to get indications of how fit and healthy the deer are and what the weeks of the fawn that were born that year, what the weeks are for the yearlings, and other diameters factored to judge the biological carrying capacity. He further comments to say that there is no independent assessment of agriculture. The wildlife management districts are set up based on physical characteristics of a given land area. The City of Eastport falls under District 27 and there are similarities in the eastern extreme and the western extreme of that district.

Patrick Mehr asks about the methods of deer control and why neutering and contraception was not chosen as an option. **Chris Bartlett** responds to say that at one of the earlier meetings Mr. Schafer brought forward “Actions to Remedy Nuisance Problems Resulting from Locally High Deer Densities by IF&W” and copies are available. The document talks about non-traditional methods of deer population reduction such as sharp shooting, trap and transfer, and deer fertility control. Essentially, it says that the IF&W wants recreational hunting methods exhausted and proved to be ineffective or less effective than desirable before the non-traditional methods would be considered by the department. He expounds further that these methods were found to be expensive both in terms of cost and labor and it was for that reason it was not considered.

A member from the audience asks who is responsible for the carcass once a deer is slain. She asks this, as summer residents, a few years ago they had calls from their neighbors that a truckload of guys with crossbows went on their property without permission and killed deer in the yard and that some remains were left. She speaks that she is very much in favor of the hunt and would like to sign up for her property to be part of it but she also wants to make sure that the deer are going to be taken used for food and so forth. **Tom Schafer** responds that the hunts that he has been involved with holds accountability for the actions of the participants and a background check is done and measures are part of the plan being proposed for accountability. He speaks to a State program called “Hunters for the Hungry” whereby the meat gets used and distributed appropriately and with assurance. **Chris Bartlett** updates that he did contact “Hunters for the Hungry” and they were very willing bring a truck to the tagging station and take any unwanted deer to Clayton Lake and have the deer butchered there and brought back here for our own food pantry. However, this was not put in the plan when it was decided that it was only 25 deer and one per hunter as they felt that every hunter would take care of their one deer, but that it is an option for the City.

Another member of the audience raises concern to the people that feed the deer. The Council President emphasizes that the meeting is a public hearing for a special hunt.

Donna Thayer from the audience raises a question about those who shoot a deer and doesn't kill it and lets it go running off and suffering. Specific to bow and arrow, she asks if there isn't responsibility to the hunter to pursue the deer to ensure it is not suffering. Council President comments to say that any hunter has the responsibility to go after the animal if it is wounded. **Tom Schafer** informs that there is a law against not pursuing wounded game. There is an ability to put in the plan a provision that will allow for contacting local law enforcement for an intervention to recover the animal. Ms. Thayer also asks about the registering of arrows to the hunter. Mr. Bartlett responds to say that it was briefly discussed by the committee and their findings were that there are no municipalities where it is done in Maine. Mr. Bartlett also notes that it is not part of the plan. **Cecil Cates** comments to say that we cannot expect to penalize someone for being a bad shot.

Jon McNerney addresses asks if it would be possible to take a survey of the applicants to see if any of them don't want to keep the deer and will there be an increase of law enforcement during the special hunt. Council President asks Mr. Schafer if the game wardens will be involved in assisting with the special hunt. Mr. Schafer responds that the game wardens will assist along with the local law enforcement, but is not able to say that there will be extra enforcement. He reminds everyone that special hunts are tightly controlled and that there are limited number of participants. The plan being proposed allows for limited areas where they can participate and it is very strict about location with properties to be identified. Violations are subject to both State and local regulations.

A member of the audience asks if they will have to be licensed to participate in the special hunt. Mr. Schafer responds that the program eligibility is for licensed archery hunters which requires a special license by the State.

Rebecca Greenburg from the audience and a taxpayer of property at 28 Key Street and the corner of High asks because it is in a very dense neighborhood of homes, will there be any hunting in that area. The City Manager refers her to the last page of the Bow Hunting Ordinance and believes this may address some of her questions.

Lois Grossman introduces herself and notes that she lives at the corner of Clark and High. across from Bill Boone. She previously addressed the Council earlier on in the meeting with regard to the remains of carcuses. Her question is who chose the locations for the special hunt and if she is still able to sign up for one if they are not already taken. Council President asks Chris Bartlett to address this question. He comments to say that it is up to the landowners to have written approval for the hunter to hunt said property. She then asks if it is per hunter or if she can give an overall permission for the property to be hunted. Mr. Bartlett explains that this is one of the details that hasn't been worked out yet as it is going to require a great deal of discussion with City administration to move forward assuming that it makes it through the next two steps which the City and then the State level. He further comments to say that they would know by the October meeting of the IF&W Advisory Council if it is to go forward. He suggests that a list of property owners allowing property to be utilized for this special hunt to be maintained.

Donna Thayer from the audience raises concern as to the specifics of the parameters as she walks her dogs and didn't realize the special hunt would come that close to town. It is affirmed that Ms. Grossman is referring to her property behind her home. **Bob Bean** a deer committee member speaks to say that the plan refers to it being from a tree stand or blime that is set at a particular location which will limit the field of fire. He also comments to say that the the stand and the blime requires approval.

Lois Grossman then asks if the taking of 25 deer is going to make a dent in the population and is wondering how this number was arrived at. Council President responds that this is a start and asks the Maine State Biologist, Tom Schafer, to address this. He notes that we are unsure of the deer population in Eastport and they are looking to address social carrying capacity issues. It is likely that the numbers being considered are very low and very

conservative. Based on information presented at meetings and data brought forth by the the committee, there is concern about how this program will be conducted along with other measures of safety and accountability. The committee felt given these areas of concern, they felt this number was a good solid base to begin with to show ability the first year and then go to the Commissioner's Advisory Council in the subsequent years if the plan gets approved and maybe start talking about an increase to the number of permits or increased number of permits for permit holders and the ability to take more deer.

Cecil Cates asks about an aerial study being done to encounter visibility of the deer. Mr. Schafer explains that this technique is not available to them but that some experimentation was done with the Town of Islesboro of helicopter surveys whereby they utilized a consultant which is costly and completed what they call a popped in survey that requires the deer to be flushed to get visibility of standing animals.

A question comes from the audience if there is a list of departments owned by the City that will be a part of this. Council Presidents responds to say that when and if it does take effect, there will be a list available.

Dana Turner a deer committee member makes reference to clarifying that it isn't just a number of 25 but that what they discussed was over a three year period which would result in a larger number.

Chris Bartlett responds that there were 21 antler deer recorded last year.

Eleanor Norton from the audience addresses Council with a concern of how the City is going to deal with deer running around the island with with arrow in the deer and she is in attendance in support of the deer for that reason and feels strongly she may be in a position to report this to the ASPCA as cruelty and abuse to the animal. The Council President reminds her that Mr. Schafer addressed this earlier on in the meeting and that there are State laws that addresses matters such as these.

Bob Bean from the audience reminds everyone that although they still need to address the feeding of the deer and this is not what this meetings about but that all illegal hunts need to be reported to the proper authorities within said jurisdiction.

A member of the audience asks about what happened with the sharp shooter idea. Mr. Bean responded that it is at a cost of \$1,000.00 per head. Another member of the audience asks about the tracking of lyme disease. Council Presidents refers to the proposal and that there haven't been any indication of lyme disease in this area.

Council President, Gilbert Murphy, calls for further questions; there were none and calls for a motion to close the public hearing.

MOTION REPOLE **SECOND** FINLEY **(PASSED 4-1)**

To close the public hearing at 6:02 p.m.

III. ACTION ON PUBLIC HEARING

Referencing Item II - Submission of Proposal/Plan to Inland Fisheries & Wildlife for a Special Hunt of Antlerless Deer

Councilor Archer speaks to the limited permits and feels strongly that the lottery be done on an open basis rather than singling out residents and is not in favor of that. He expresses that one should not get preference over an area just because they reside there.

Council President comments to say that the reason for this is so that the landowners in town that have a license to hunt would allow other hunters to hunt on their land and that he is in agreement with this and to open this up to everybody and reduce the number of Eastport residents raises a concern for him. **Councilor Archer** responds that he understands what he is saying but the State doesn't do preference on it and he is not in favor of doing it that way.

Councilor Repole addresses Mr. Schafer as to how the State felt about opening up the lottery. Mr. Schafer speaks that what he recalled was that the State favored the lottery system but that was a council person that expressed concern to the number of participants and where their residency was. He reminds Council that this an *introductory proposal* to the Council at that time and there were a lot of reactions. He further comments to say that the States allowance for permit issuance is 10% to non-residents and 90% goes to residents of the State of Maine. The State utilizes a formula of 90-10. Mr. Schafer comments to say that he felt what was proposed was generous and addressed those concerns of not being an exclusive effort.

Councilor Repole asks Mr. Schafer to confirm that the City has only one shot left this year. Mr. Schafer responds that it is a three step process which is a month per step and November is out of the equation. He responds that where we are at now, if the plan goes forward through each of the three steps; it would not get approved until the month that the hunters have proposed for which is really tight. **Councilor Archer** comments to say that he is in favor of the 30 permits but that he would like to see the Deer Committee come up with zones that way when one comes in to apply for the permit for the drawing, they can pick the zone of their choice. **Council President** responds that if this proposal were to go through this was extra work that needed to be completed whereby zones would be set up for people to hunt in.

Chris Bartlett speaks that since it requires a written landowner permission for the hunter to hunt on said property, this essentially delegates exactly where they are going to hunt.

Councilor Archer also makes mention that Council will need to vote on opening up City owned property to authorize hunting as a controlled area. **Chris Bartlett** ensures that the Deer Committee will work with the City administrative and public safety to ensure that there is adequate number of hunter's per area. Mr. Bartlett assures Council that it will be well thought out.

Jon McNerney asks for clarification with regard to the motion made by Councilor Repole relative to testing. **Councilor Repole** responds that it was recommended by the State that we not to a proficiency test. Mr. McNerney asks "why" and **Councilor Emery** strongly recommends that it be done. **Councilor Repole** notes that a hunt has taken place for eight weeks without one. **Mr. Schafer** comments to say that in obtaining an archery license one has to show that they have attended and completed the archery safety or an archery hunting course the law recently changed to hunt anything with a bow and arrow you must hold an archery license and this will go in effect in 2017. He continues further to say that proficiency testing is

not required for regular archery or the expanding archery season and is not required by State law for regular participation during the archery seasons. ***Councilor Emery*** responds to say that he does not feel it is asking too much to have the proficiency test and feels they should know that they are qualified hunters. Councilor Emery also makes mention that Robert Dore will administer the test. ***Councilor Archer*** expresses that he is not in agreement for the proficiency test. ***Councilor Repole*** speaks that she is not in favor of it. ***Councilor Finley*** notes that she is not in favor of it either.

MOTION REPOLE **SECOND** FINLEY **(PASSED 4-1)**
Councilor Emery Voted "NO"

To accept the proposal and to send it back to IF&W a couple of changes one of them being to increase the number of deer to 30; no proficiency test required; to allow 30 applicants of which 22 would be local and the remaining 8 non-residents of the City; and to also allow for a 3-year plan option to make adjustments.

IV. ADJOURN

MOTION ARCHER **SECOND** REPOLE **(PASSED 5-0)** **TIME: 6:10 p.m.**
To adjourn.

